

[Stipulating parties listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

) Case No. 07-5944 JST

) MDL No. 1917

This Document Relates to:

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER OF DISMISSAL**

Interbond Corp. of Am. v. Hitachi, Ltd. et al.,
No. 3:11-cv-06275

Interbond Corp. of America v. Technicolor SA,
et al., No. 3:13-cv-05727

Office Depot, Inc. v. Hitachi, Ltd. et al., No.
3:11-cv-06276

Office Depot, Inc. v. Technicolor SA, et al., No.
3:13-cv-05726

Plaintiffs Interbond Corporation of America (“BrandsMart”) and Office Depot, Inc. (“Office Depot”) (collectively, “Stipulating Plaintiffs”), and the undersigned Defendants, by their respective attorneys and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, state as follows:

1. On October 3, 2013, BrandsMart filed its First Amended Complaint in No. 3:11-cv-06275 (MDL Dkt. No. 1974), asserting claims for relief against the undersigned Defendants except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and Mitsubishi Electric US, Inc. under the Sherman Act and the Florida Deceptive and Unfair Trade Practices Act.

2. On December 20, 2013, BrandsMart filed its First Amended Complaint in No. 3:13-cv-05727, asserting claims for relief against Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas LLC, Mitsubishi Electric Corporation, Mitsubishi

1 Electric Visual Solutions America, Inc., and Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-6)
2 under the Sherman Act and the Florida Deceptive and Unfair Trade Practices Act.

3 3. On October 3, 2013, Office Depot filed its First Amended Complaint in No. 3:11-cv-
4 06276 (MDL Dkt. No. 1977), asserting claims for relief against the undersigned Defendants except
5 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
6 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
7 Mitsubishi Electric US, Inc. under the Sherman Act and the Florida Deceptive and Unfair Trade
8 Practices Act. The claims asserted in this complaint by Office Depot under the California
9 Cartwright Act and California Unfair Competition Laws were voluntarily withdrawn on December
10 19, 2014 (MDL Dkt. No. 3226).

11 4. On December 20, 2013, Office Depot filed its First Amended Complaint in No. 3:13-
12 cv-05726, asserting claims for relief against Technicolor SA, Technicolor USA, Inc., Videocon
13 Industries, Ltd., Technologies Displays Americas LLC, Mitsubishi Electric Corporation, Mitsubishi
14 Electric Visual Solutions America, Inc., and Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-8)
15 asserting claims for relief under the Sherman Act and the Florida Deceptive and Unfair Trade
16 Practices Act. The claims asserted in this complaint by Office Depot under the California
17 Cartwright Act and California Unfair Competition Laws were voluntarily withdrawn on December
18 19, 2014 (MDL Dkt. No. 3226).

19 5. Stipulating Plaintiffs now desire to dismiss with prejudice their claims against
20 Defendants under the Florida Deceptive and Unfair Trade Practices Act. Stipulating Plaintiffs have
21 already dismissed with prejudice their claims against Defendants under all other state laws outlined
22 in paragraphs 1-4 above. Stipulating Plaintiffs are not dismissing, and will continue to prosecute, all
23 claims against Defendants brought pursuant to federal law, including the Sherman Act and the
24 Clayton Act.

25 6. Stipulating Plaintiffs and Defendants agree that each party shall bear its own costs
26 and attorneys' fees in connection with the dismissed claims.

7. As a result of the dismissals of the Florida Deceptive and Unfair Trade Practices Act claims with prejudice, and contingent upon the Court's approval of this Stipulation, Defendants will withdraw certain pending summary judgment motions, in whole or in part, as follows:

a. Defendants' Notice of Motion and Motion for Partial Summary Judgment as to Indirect Purchaser Plaintiffs' and Certain Direct Action Plaintiffs' State Law Claims on Statute of Limitations Grounds (MDL Dkt. No. 2978) is withdrawn in its entirety, as BrandsMart and Office Depot's Florida state law claims were the last live claims subject to the motion.

b. Defendants' Joint Notice of Motion and Motion for Partial Summary Judgment Against Certain Direct Action Plaintiffs on State Law Claims Limited to Intrastate Activity (MDL Dkt. No. 3031) is withdrawn in its entirety, as BrandsMart and Office Depot's Florida state law claims were the last live claims subject to the motion.

c. Defendant Technologies Displays Americas LLC's Motion for Summary Judgment (MDL Dkt. No. 2984) is withdrawn as to Stipulating Plaintiffs' claims under the Florida Deceptive and Unfair Trade Practices Act, but continues to apply to all other claims and Plaintiffs addressed in the motion not dismissed by previous stipulation.

d. Defendants' Notice of Motion and Motion for Partial Summary Judgment on Plaintiffs' Indirect Purchaser Claims Based on Foreign Sales (MDL Dkt. No. 3006) is withdrawn as to Stipulating Plaintiffs' claims under the Florida Deceptive and Unfair Trade Practices Act, but continues to apply to all other claims and Plaintiffs addressed in the motion not dismissed by previous stipulation.

e. Defendants' Joint Notice of Motion and Motion for Summary Judgment Based Upon Plaintiffs' Failure to Distinguish Between Actionable and Non-Actionable Damages Under the FTAIA (MDL Dkt. No. 3008) is withdrawn as to Stipulating Plaintiffs' claims under the Florida Deceptive and Unfair Trade Practices

1 Act, but continues to apply to all other claims and Plaintiffs addressed in the motion
2 not dismissed by previous stipulation.

3 f. Any other motion that seeks to dismiss any of the Stipulating Plaintiffs'
4 Florida Deceptive and Unfair Trade Practices Act claims referenced in Paragraph 1-4
5 is withdrawn as to those claims, but continues to apply to all other claims and
6 Plaintiffs addressed in the motion not dismissed by previous stipulation.

7 8. As set out in subparagraphs (a) and (b) of the preceding paragraph, this stipulation
8 will moot two of the summary judgment motions (MDL Dkt. Nos. 2978 and 3031) currently
9 scheduled for oral argument on March 7, 2016. *See* MDL Dkt. No. 4253. Accordingly, the parties
10 respectfully request that the oral argument scheduled for those motions be cancelled. This
11 stipulation will not moot the remaining oral arguments scheduled for that day (MDL Dkt. Nos. 2973,
12 2997, and 3029).

13 9. This stipulation and the Court's order thereon shall have no bearing on the
14 applicability of the aforementioned motions in the cases of Plaintiffs other than the Stipulating
15 Plaintiffs.

16 WHEREFORE, the parties stipulate and agree that the Stipulating Plaintiffs' Florida
17 Deceptive and Unfair Trade Practices Act claims are dismissed with prejudice. This dismissal does
18 not apply to the claims of Stipulating Plaintiffs brought under federal law (including the Sherman
19 Act and the Clayton Act).

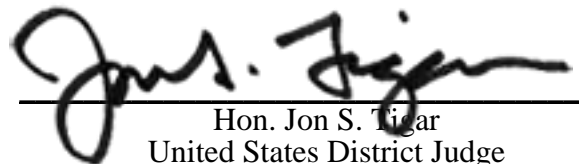
20 WHEREFORE, the parties stipulate and agree that the summary judgment motions brought
21 by Defendants in MDL Dkt. Nos. 2978 and 3031 are withdrawn in their entirety.

22 * * *

23 The undersigned parties jointly and respectfully request that the Court enter this stipulation
24 as an order.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26
27 Dated: January 25, 2016

28

Hon. Jon S. Tigar
United States District Judge

Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this document has been obtained from each of the below signatories.

Dated: January 25, 2016

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